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67

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

WRIT PETITION No.18959/1997

BETWEEN :

1. Dinesh Shah, 61 years,  
S/o. Late Harilal,  
No.11, Miller Tank Bund Road,  
or 3/8, Kauriappa layout,  
Bangalore - 52.
2. Mahabool Khan,  
S/o. Masoom Khan,  
aged 48 years,  
26, Miller Tank Bund Road,  
Kaveriappa Layout,  
Bangalore - 52.
3. M.R. Patel, 64 years,  
S/o. late R.M. Patel,  
25, Kaveriappa Layout,  
Bangalore - 52.
4. Syed Ejaz Pasha,  
S/o. Syed Ibrahim,  
aged 44 years,  
No.22, Kaveriappa Layout,  
Miller Tank Bund Road,  
Bangalore - 52.
5. G.A. Shanmugam, 65 years,  
S/o. late G. Amolam Pillai,  
No.3/21, Kaveriappa Layout,  
Miller Tank Bund Road,  
Bangalore - 52.

68

6. Anwar Noor Mohammad,  
S/o. D. Noor Mohammad,  
aged 54 years,  
No.18, Kaveriappa Layout,  
Miller Tank Bund Road,  
Bangalore - 52.
7. Mrs. Yasmeen, X. Patel,  
W/o. Xerxes J. Patel,  
41, Kaveriappa Layout,  
M.T.B. Road, Bangalore-52.
8. M.G. Muthappa, 57 years,  
S/o. Ganapathi,  
29, Kaveriappa Layout,  
M.T.B. Road, Bangalore-52.
9. Mr. R. Srinivasan,  
S/o. Late K.R. Ramachandra,  
aged 69 years,  
15, Kaveriappa Layout,  
M.T.B. Road, Bangalore-52.
10. Mrs. Vasantha Venugopal,  
W/o. late Dr. B. Venugopal,  
aged 73 years,  
39, Kaveriappa Layout,  
M.T.B. Road, Bangalore-52.

.. PETITIONERS

(By Sri. Mohandas N. Hegde, Adv.)

AND :

1. M.V. Prakash, 46 years,  
S/o. M. Visveswaraiiah,  
152, Gavipuram Guttahalli,  
Bangalore - 19.
2. Bangalore Development Authority,  
Sankey Road, Bangalore-20,  
by its Commissioner.
3. Bangalore City Corporation,  
Bangalore - 2,  
By its Commissioner.

.. RESPONDENTS

(By Sri. B.N. Dayananda for C/R-1,  
Sri. R.S. Hegde for R2,  
Sri. Ashok Haranahalli for R3)

69

This Writ Petition is filed under Article 226 of the Constitution of India with a prayer direct the R1 not to start any commercial activities <sup>in the premises</sup> bearing No.37, Kaveriappa Layout, Bangalore and etc.,

This petition coming on for prl. hg. 'B' Group this day, the Court made the following:

O R D E R

The petitioners are the residents of Kaveriappa Layout, Miller Tank Bund Road, Bangalore. The grievance of the petitioners is that they have given a complaint on 16.10.1996 alleging that the first respondent is making an attempt to use the residential houses for non-residential purpose. In this regard though a complaint is <sup>lodged</sup> ~~made~~, the Corporation <sup>has not taken</sup> ~~is not taking~~ any steps to consider and dispose of the same. Whenever a complaint is filed alleging illegal use of the premises the Corporation is duty bound to consider and dispose of the same in accordance with law.

2. In the result I pass the following order:

This Writ Petition is allowed. A direction is

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is issued to the respondent-3 to consider and dispose of the representation/complaint given by the petitioners to the 3rd respondent on 16.10.1996 as per Annexure-A ~~and dispose of the case~~ after due notice to the persons interested.

Sd/-  
JUDGE

CS/-

